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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,653	12/05/2001	Calvin L. Loop	47493/RRP/D424	3877

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CHRISTIE, PARKER & HALE, LLP  
350 WEST COLORADO BOULEVARD  
SUITE 500  
PASADENA, CA 91105

EXAMINER

PREVIL, DANIEL

ART UNIT PAPER NUMBER

2636

DATE MAILED: 01/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/016,653

Applicant(s)

LOOP ET AL.

Examiner

Daniel Previl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curnutte et al. (US 5,790,029) in view of Shelley et al. (US 5,743,942).

Regarding claim 1, Curnutte discloses an EAS tag secured to an inner surface of the bag for detecting stolen articles in which the bag is packaged (EAS tag is enclosed within a sealed thin walled flexible bag) (col. 1, lines 8-41).

Curnutte discloses the limitations above but fails to explicitly disclose a sealed desiccant bag made of a material which is pervious to vapor, and containing a desiccant for adsorbing the vapor.

However, Shelley discloses sealed desiccant bag made of a material which is pervious to vapor, and containing a desiccant for adsorbing the vapor (containers comprised of a water or water vapor permeable packaging material formed from fibrous or film products securely sealed together at the edges of the packaging. The packaging material encapsulates a desiccant material, such as silica gel) (col. 1, lines 14-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Shelley in

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Curnutte. Doing so would have provided the system with the capability of securing the bag by drying with ease the moisture that penetrates inside the bag so that users can feel certain about the full operational of the bag and can even eliminate the risk of tampering as taught by Shelley (col. 1, lines 5-67).

Regarding claim 2, Curnutte discloses the bag is spun-bonded polyolefin plastic (flexible thin wallet bag 6 polyethylene) (col. 2, lines 7-14).

Regarding claim 3, Curnutte and Shelley disclose all the limitations in claim 1 and Shelley further discloses the desiccant is a silica gel (col. 1, lines 17-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Shelley in Curnutte. Doing so would have provided the system with the capability of securing the bag by drying with ease the moisture that penetrates inside the bag so that users can feel certain about the full operational of the bag and can even eliminate the risk of tampering as taught by Shelley (col. 1, lines 5-67).

Regarding claim 4, Curnutte discloses the EAS tag is of an acoustic-magnetic type (EAS tag can be microwave frequency resonant circuit) (col. 2, lines 26-31).

3. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curnutte et al. in view of Shelley et al. and further in view of Elston (US 6,254,953).

Regarding claim 5, Curnutte and Shelley discloses all the limitations in claim 1 but fails to explicitly disclose a taggant printed on an outer surface of the bag.

However, Elston discloses a taggant printed on an outer surface of the bag (hang tag 101 has a face 103 on which a logo, trademark or other advertising is printed) (col. 2, lines 28-32; col. 40-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Elston in Curnutte and Shelley. Doing so would display efficient the advertising information in the outer bag to allow purchasers to view the articles so that users can acquire peace of mind when using this system it may ensure against shoplifters or other nefarious people for the safety of the customers as taught by Elston (col. 1, lines 8-44).

Regarding claim 6, Curnutte and Shelley disclose all the limitations in claim 1 and Curnutte further discloses the bag is spun-bounded polyolefin plastic (flexible thin wallet bag 6 polyethylene) (col. 2, lines 7-14); the EAS tag is of an acoustic-magnetic type (EAS tag can be microwave frequency resonant circuit) (col. 2, lines 26-31).

The above combination discloses all the limitations above but fails to explicitly disclose a taggant printed on an outer surface of the bag.

However, Elston discloses a taggant printed on an outer surface of the bag (hang tag 101 has a face 103 on which a logo, trademark or other advertising is printed) (col. 2, lines 28-32; col. 40-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Elston in Curnutte and Shelley. Doing so would display efficient the advertising information in the outer bag to allow purchasers to view the articles so that users can acquire peace of mind when using this system it may ensure against shoplifters or other nefarious people for the safety of the customers as taught by Elston (col. 1, lines 8-44).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shelley et al. (US 5,935,304) discloses a desiccant composition.

Clibbon (US 2,446,361) discloses a moisture vapor indicator for packaged goods.

Anderson et al. (US 6,352,152) discloses a method and package for storing a pressurized container containing a drug.

Farrar et al. (US 5,005,125) discloses a surveillance, pricing and inventory system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is 703 305-1028. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 703 305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

A handwritten signature in black ink, appearing to read "Daniel Previl", written in a cursive style.

Daniel Previl  
Examiner  
Art Unit 2636

DP  
January 5, 2004